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# THOUGHTS

ON THE

# ORIGIN and NATURE

OF

# GOVERNMENT.

Occaſioned by
The late Diſputes between GREAT BRITAIN
and her AMERICAN COLONIES:

Written in the Year 1766.

——VICTOR*que volentes*
*Per populos dat jura.*——

VIRG.

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# THOUGHTS

ON

# GOVERNMENT.

THE queſtion which has been for ſome time agitated, *Whether the legiſlative power of Great Britain has a right to tax its American colonies?* is of all queſtions the moſt important that was ever debated in this country. Thoſe who compare it to that which was diſcuſſed at the Revolution, do not ſufficient juſtice to its importance; for it is not concerning the forms of our conſtitution, or the ſhare which this or that man, or this or that family, ſhould have in the ſupreme government; but whether there ſhould be any ſupreme government at all, and whether this, which is now a great and independent ſtate, ſhould, all at once, fall from its greatneſs, and perhaps ceaſe to be reckoned amongſt the leaſt.

But although I mean in the following ſheets to defend the rights of government, and to ſhew the Americans, and thoſe of this country who encourage them, the unreaſonableneſs of their late claims and pretenſions, yet I do not mean to become advocate for thoſe now entruſted with the adminiſtration of government, nor for thoſe to whom they ſucceeded in that important taſk. On the contrary, I cannot help conſidering thoſe claims, and the indecent manner in which they have been urged, as ſomething very much to their diſadvantage. Government cannot to ſo great a degree ceaſe to be reſpected, without raiſing a juſt ſuſpicion of its having, ſome how or other, ceaſed to be reſpectable: and, to apply to political virtue what has been ſaid by a lady of great wit, with regard to the virtue of her own ſex, we muſt be allowed

In part to doubt the *ſtate* that has been tried;
They come too near who come to be denied*.

* See Dodſley's Collection, vol. 1.

Whatever

Whatever may have given encouragement to ſuch an attack, I am heartily ſorry for it: but the attack being now made, it becomes the duty of every man who wiſhes well to this flouriſhing empire, the proſperity, the very exiſtence of which depend upon the union of all its parts under one head, to repel the attack by all the means which law, juſtice, and good ſenſe authoriſe.

I doubt not but this my attempt to diſcover what is true and what is uſeful, however weak and inſufficient, will be generally acceptable. I do not expect it will be univerſally ſo. There is no calamity which can be ſuppoſed to befall any country, except that of being totally ſwallowed up by an earthquake, which may not be advantageous, and poſſibly deſirable to ſome of the individuals in it. CÆSAR, whoſe pride and ambition were ſo unbounded as to make him profeſs that he would rather be the firſt man in a miſerable village than be the ſecond in Rome, would not, in all probability, have

ſcrupled to have adopted ſuch meaſures as might have reduced that noble city to an equality with the moſt miſerable village, rather than ſuffer any man in it to be his ſuperior.

To ſuch I do not mean to addreſs any part of this paper. I know that any attempt to reaſon men out of their paſſions and ſuppoſed intereſt, is but ſo much ink thrown away. I only write for thoſe, who, without ambition or reſentment, ſuffer themſelves to be enflamed by the ambition and reſentment of others; and are made, by falſe reaſoning, the promoters of intereſts the very reverſe of their own.

The great difficulty attending this American controverſy is, that the queſtion changes upon us from day to day; and what would be a compleat anſwer one week, by the next is nothing at all to the purpoſe. Were the diſpute betwixt England and America to ſtand upon the ſame ground that it

did

did on the 14th of January * before two o'clock; were the coloniſts ſtill to argue from the validity of their charters, and of the advantages reſulting to them from thence; the laws of England might have been appealed to, and the conſtitution of England might have been inveſtigated, in the practice of parliaments, from Magna Carta down to this day: but when acts of parliament are openly derided, and the authority of the ſupreme legiſlature branded with the odious appellation of *force*, we are called upon to go ſomewhat deeper in our reaſoning, and to inquire, in what this legiſlative authority itſelf is founded.

* The firſt day of the laſt ſeſſion of parliament, when Mr. PITT came unexpectedly to London, and, in a debate upon the words of an addreſs to his Majeſty, took occaſion to declare, as his opinion, *that the ſtamp duty laid upon the Americans the year before was unconſtitutional and illegal, having been impoſed without their own conſent*: an opinion, however, that was not altogether new, it having appeared before in ſeveral American pamphlets.

But before I endeavour to eſtabliſh any thing of my own, it is neceſſary to take notice of a principle frequently laid down upon this and former occaſions, as a ſure foundation for political reaſoning; and that is, *That all men in their natural ſtate are free and independent*: but if we are to judge of the nature of man, as we do of the nature of other exiſtences, by experience, there can be no foundation more unſound. No hiſtory of the paſt, no obſervation of the preſent time, can be brought to countenance ſuch a *natural ſtate*; nor were men ever known to exiſt in it, except for a few minutes, like fiſhes out of the water, in great agonies, terror and convulſions. This principle of equal right to liberty, which can hardly be ſeparated from that of an equal right to property, has never been *actually* acknowledged by any but the very loweſt claſs of men; who have been eaſily perſuaded to embrace ſo flattering a doctrine from the mouth of a WAT TYLER or

JACK

JACK CADE, and in conſequence of it, for it leads to nothing elſe, have cut the throats and ſeized the goods of their maſters.

The poſition, however, being eſtabliſhed, this farther has been added to it, *that all the rights of government are derived from a voluntary ſocial contract, by which each man gives up, as it were into a common ſtock, a ſmall portion of this natural liberty, in order to form a ſovereign power for the protection of the whole, and of every individual.* But unfortunately, as no ſuch ſtate of independence was ever known to exiſt, no ſuch voluntary contract was ever known to be entered into; ſo that if the legality of government depended upon it, it follows, that there never exiſted a legal government in any part of the globe.

Such are the idle dreams of metaphyſicians, uncountenanced by fact and experience; and the more dangerous that, like other dreams, they carry, upon certain

occa-

occaſions, ſome confuſed reſemblance of reality.

The rights of government are built upon ſomething much more certain and permanent than any *voluntary* human contract, real or imaginary; for they are built upon the weakneſs and neceſſities of mankind. THE NATURAL WEAKNESS OF MAN IN A SOLITARY STATE, PROMPTS HIM TO FLY FOR PROTECTION TO WHOEVER IS ABLE TO AFFORD IT, THAT IS TO SOME ONE MORE POWERFUL, THAN HIMSELF; WHILE THE MORE POWERFUL STANDING EQUALLY IN NEED OF HIS SERVICE, READILY RECEIVES IT IN RETURN FOR THE PROTECTION HE GIVES. This is the true nature of that contract, which pervades every part of the ſocial world, and which is to be ſeen at all times, in every empire, republic, city and family, or indeed wherever two or three are met together. From this is derived all the relations of maſter and ſervant, patron and client, king and ſubject; and every project in public and private life

which

which does not proceed upon this reciprocal obligation of protection and ſervice, will be for ever abortive, or fatal to the projector.

Amongſt the many philoſophical heads which have ſpeculated upon the origin of that right which one man in ſociety has been found to claim to the ſervice of another, ſome have derived it from victory in war, which giving, as they ſay, a right to the conqueror of taking away the life of the vanquiſhed, gives him *à fortiori* a right to his ſervice *. But this is endeavouring to eſtabliſh a right that is doubtful, by the help of one that is at leaſt equally ſo; for what proof is there that one man has a natural right to kill another? The two great marks by which we judge any act to be natural, are, the general inſtinct or deſire to perform it, and the general utility ariſing from the performance. But no natural deſire appears in man to imbrue his

* See Grotius De jure belli et pacis, lib. 3. cap. 4.

hands in the blood of his fellow creatures, nor is there any utility naturally arising from it; for nothing can be of less use than a man, when killed. I believe it will be found that the process is the very reverse of what those learned gentlemen have represented, and that any right which it is supposed one man may occasionally acquire of killing another, arises from a right previously conceived to his service. For in the great volume of nature's laws it appears to be thus written: THAT EVERY MAN IN SOCIETY SHALL RANK HIMSELF AMONGST THE RULING OR THE RULED, AS IT SHALL BEST SUIT HIS CIRCUMSTANCES AND ABILITIES; ALL EQUALITY AND INDEPENDENCE BEING BY THE LAW OF NATURE STRICTLY FORBIDDEN: AND IT IS FARTHER DECLARED BY THE SAME AUTHORITY, THAT WHOSOEVER IS NOT ABLE TO COMMAND, NOR WILLING TO OBEY, SHALL FORFEIT HIS LIVING OR HIS LIFE: And it is probably by this law that all are condemned to die

who

who fall in battle; it being only a compleat victory which determines who are exempted from the fatal ſentence; by ſhewing who are able to command, and who are willing to obey.

Theſe are truths not drawn from ſophiſtical reaſoning, and juggling with ill-defined words; but from plain ſenſe and obſervation. By an appeal to univerſal experience we may prove that the relation between maſter and ſervant is of natural and of divine appointment, juſt as we ſhould prove, if any body were ſo ſenſeleſs as to doubt it, that the ſun and moon were ſo. That which chiefly wants to be aſcertained is, what is the nature and what the limits of the ſervitude that is due to the maſter, or, what it is he has a right to exact from his ſervant. And here neceſſity, the foundation of all my reaſoning, obliges me to pronounce, that the ſole determination of that right reſts with the ſuperior; becauſe, if that is not allowed, it cannot under God reſide any where; and ſo the union, which we

ſuppoſe

ſuppoſe ſo neceſſary in ſociety, and which comes alone from the whole body being actuated by one mind, muſt of courſe be diſſolved.

I have hitherto ſpoken of ſociety as if compoſed of one individual maſter and one individual ſervant: and as the whole law of government, that is the reciprocal obligation of protection and obedience, is made more intelligible by this ſimplicity, I ſhall often treat of it in that form. There are a great many ſpecific differences in the various combinations of larger ſocieties, but with regard to the great principle, the firſt example will apply to them all. Let the number of men who compoſe the ſociety be ever ſo great, there is an abſolute neceſſity in order to their remaining one ſociety, that they be ſeparated into two parts, with this diſtinction; that the governing part, always the leaſt numerous, muſt act and be conſidered as one body, actuated by one mind; while the other, from whoſe great number

unanimity

unanimity is not to be expected, and for whose situations unanimity is not necessary, ought never to be considered as one body, but as so many separate persons. The individual governing to the many individuals governed, is as the brain to the members of the human body. Be the brain ever so foolish, all wisdom must be allowed there to reside; and every motion of a limb, without its dictates, is only a convulsion and a sure mark of a distempered state. In short there must exist in every society a ruling power, whose will, from the necessity of things, must be allowed the measure of its own rights, and of those of its subjects.

"Is there then no bounds, no stay to this "absolute power? Has it a right to do "what it pleases? Has it a right to do "wrong?"—No certainly; for that would be admitting an absurdity, a right of doing what ought never to be done. We must distinguish betwixt a right *(jus)* and

right

right *(rectum)* which, from a poverty in the Engliſh language have often added embarraſſment to this ſubject. No act of power can turn what is wrong into what is right. But right and wrong cannot decide themſelves; they are the objects of human judgment, and muſt be decided by ſome body or other: and let what rules ſoever be laid down for the better deciſion, the rules and the ſubject will at laſt become matter of opinion. But private opinion cannot poſſibly be admitted; for, all being equally entitled, no man would ſuffer what he called his rights to be decided by any other private opinion than his own. This is, however, the ſtate of man in thoſe dreadful moments, when the bonds of rule, order and ſociety are diſſolved; a ſtate of war and confuſion, which ſome writers have been ſo ſenſeleſs as to call a *ſtate of nature*, while it is only a ſtate of diſtemper and miſery.

The end and intention of government is to prevent private opinion from ever taking place

place, except in matters of private concern. All the duties which one man owes to another, or which each man owes to the whole, muſt be marked out and decided by ſome tribunal to which all men muſt equally ſubmit; and which, having judged, can make its judgments effectual; without which there can be no deciſion. After this it is needleſs to ſay that the right of making and executing all laws, the right of clearing all doubts about the lives, properties and privileges of all the members of the ſociety, muſt be veſted abſolutely in the Supreme governing power, and that from it there can be no appeal. A law without a penalty is no more than an advice; and a penalty without a power to inflict it would be ridiculous: and this is ſo conſonant to common ſenſe and common language, that there is probably no language in the world in which to *prevail* and *to give law* are not ſynonomous.

In all ſocieties which are made up of more than two individuals, there are two ſorts of

laws. One of theſe is what is framed as a rule for deciding the claims of the individuals of the ſociety, and their duty both with reſpect to one another, and to the ſtate, in matters of private right. This may be called the *civil law*, and is generally, and with great propriety delegated to inferior judges by the Supreme power ever ready at hand to ſupport their deciſions, except where they admit of an appeal to itſelf. The other, which may be called the *law of government* or *ſuprema lex*, is that by which all pretenſions of right between governor and governed, in matters of government, are tried. With regard to this law, the ruleing and the ruled are exactly in the ſtate of a ſociety made up of two ſingle perſons: the law cannot be exactly defined; nor can the execution of it be delegated to the diſcretion of any body. What concerns the *ſafety of the whole* can never be committed to the arbitration of any of the ſubordinate parts; ſo that in all diſputes betwixt the governing and the governed, concerning the limits of authority

and obedience, the governing part muſt, of neceſſity, be both judge and party.

To enquire whether this may not be attended with great inconveniencies and oppreſſion, would be extremely uſeleſs. The enquiry is cut ſhort, by barely affirming, that it was always ſo, that it cannot be otherwiſe, and that thoſe who are deſirous of partaking the advantages ariſing from law and government muſt accept of them upon thoſe terms, ſince upon no other can they be obtained.

" Are there then no natural rights of man-
" kind independent of the deſpotic will of
" their rulers?" There certainly are a great many ſuch rights; rights eſtabliſhed by the laws of God and nature, of equal authority with the rights of government, which extend no farther than to the framing of ſuch laws for particular ſocieties, as are, in reſpect of the laws of nature, to be conſidered only as *bye-laws*: and if the terms I have uſed ſeem to intimate any thing to the contrary,

it is full time that thoſe terms were explained. When I ſpeak of *ſervice* due at the will of the maſter, I deſire to be underſtood of ſuch ſervice only as, according to the common ſenſe, and univerſal practice of every age and country, one man in ſociety may lawfully receive at the hands of another: and when I ſpeak of the *uncon*troulable right in the ruler of making and executing *laws*, I would be underſtood to mean ſuch laws only as are not repugnant to the laws of nature. A man by becoming an obedient ſubject does not ceaſe to be a man, and as ſuch has certainly rights which no human power can infringe without committing an act of lawleſs tyranny and oppreſſion! The difficulty lies in diſtinguiſhing thoſe conſtant, univerſal, and indefeaſible rights of the ſpecies, from the ever fluctuating rights of the individuals, of which alone I have been hitherto treating; and it were to be wiſhed, that amongſt the many who now write about theſe rights, there were ſome one or other who would give himſelf

himſelf the trouble of telling us what he imagines them to be. To give a detail of them might perhaps be tedious, but not to ſubject myſelf to the ſame reflection, I will venture to give one general rule, formed upon the reciprocal obligations of protection and ſervice, and ſupported by experience and obſervation upon the actual conduct and ſentiments of men, by which the rights of government may be, with reſpect to the natural rights of mankind, in great meaſure, limited and defined.

WHATEVER ACT OF POWER IS EXERTED AGAINST THE SUBJECT MANIFESTLY NOT NECESSARY, OR NOT TENDING TO THE SUPPORT OR SAFETY OF GOVERNMENT, THAT IS TO THE PROTECTION OF THE WHOLE, IS, BY THE LAWS OF GOD AND NATURE, DECLARED ILLEGAL, AND A BREACH OF THE NATURAL COMPACT BETWEEN THE RULER AND THE RULED. Millions of treaſure may be ſquandered away, thouſands of lives may be ſacrificed, to very little purpoſe, in one morning's battle; and yet the

bond between ruler and ſubject continue firm and unbroken; while the ſmalleſt injury done by Government to the meaneſt peaſant, where no neceſſity of ſtate can be rationally alledged, is ſufficient to throw the whole into confuſion.

The Almighty ſeems to have ſaid to every ruler or body of rulers upon inveſting them with their authority, TAKE AND PRESERVE THIS POWER, WHICH THE PEACE AND HAPPINESS OF MANKIND REQUIRE TO BE ENTRUSTED WITH SOME BODY OR OTHER; AND TAKE CARE TO USE IT IN SUCH MANNER AS *ne quid detrimenti capiat reſpublica*, FOR IT IS FOR THAT END, AND FOR THAT ALONE, THAT YOU ARE ENTRUSTED WITH IT. THE TASK I IMPOSE IS DIFFICULT, AND FROM WEAKNESS OF UNDERSTANDING, OR VIOLENCE OF PASSION, YOU WILL COMMIT MANY ERRORS IN THE PERFORMANCE OF IT: BUT GO ON BOLDLY, BE NOT DISCOURAGED, FOR NONE OF THOSE ERRORS SHALL BE IMPUTED TO YOU AS CRIMES,

IF

IF YOU CAN FORGIVE YOURSELF, ALL MEN SHALL FORGIVE YOU. BUT BEWARE HOW YOU SUFFER THIS POWER, BY WHICH ALONE YOU CAN PROTECT YOURSELF OR MY PEOPLE, TO BE DIMINISHED; AND BEWARE OF EMPLOYING IT FOR ANY OTHER PURPOSE BUT THAT OF SUPPORTING YOURSELF AND PRESERVING ORDER; FOR ALL SUCH TRANSGRESSIONS WILL BE ACCOUNTED AS CRIMES, AND WILL BE PUNISHED IN YOU AS YOU WOULD PUNISH THE LOWEST CRIMINAL.

From an inattention to these great commands have arisen all the disorders and revolutions in government with which history acquaints us: for instance,

The ravishing of men's wives and daughters was never supposed necessary for the support of Government; and therefore produced the downfall of the regal and decemviral governments of ancient Rome.

The putting a father under the cruel necessity of shooting at an apple upon his son's head, could never be supposed necessary for

the ſupport of government, and therefore this piece of wanton inſolence put an end to the Auſtrian rule in Switzerland.

The forcing men, under ſevere penalties, to profeſs this or that ſpeculative opinion in matters of eternal ſalvation, contrary to what they believe true, could never be ſuppoſed by any but ideots, neceſſary for the ſupport of government; and we all know what the fooliſh attempt occaſioned to the Spaniſh dominion in the Low Countries, and to the regal authority of the STEWARTS in Great Britain.

Do you aſk who has a right to judge what acts of power are againſt nature, and what are not? I anſwer, no body. The immediate impulſe of every man's feelings ſtands in the ſtead of all judgment in ſuch caſes; and when the paſſions of men are all raiſed by one motive, and all pointed to one end, they require no leader to give them unity of mind and uniformity of conduct; while thoſe whoſe proper office it is to wield the ſword in defence of government,

partaking

partaking of the common feelings, either desert their employers, or, by a dubious and feeble assistance, serve to render their ruin more compleat.

But, of all the transgressions or neglects of nature's laws, none have been so fatal to rulers as that breach of the original compact, in being unwilling or unable to give that *protection*, to which the duty of *obedience* must be ever subsequent or secondary. In forming that social compact, which is the foundation of all my reasoning, the proposal is not, *If you will be obedient I will be powerfull*, for that would be too absurd to deserve any notice; but it is, *If you are powerfull I will be obedient*; and this being the order of the conditions, the first not being forthcoming, the second becomes void and null of itself. For in the whole Code of nature there is no law more distinctly expressed than this:

*Ne liceat facere id quod quis vitiabit agendo*
*Publica lex hominum naturaque continet hoc fas*
*Ut teneat vetitos inscitia debilis actus* *.

* Persius sat. 5.

Which

Which means, when applied to government, that THEY ONLY HAVE, BY NATURE, A RIGHT TO RULE WHO ARE QUALIFIED FOR IT, it being high treaſon againſt nature for the weak to pretend to govern the ſtrong, the fooliſh the wiſe, the ignorant the ſkilful, the fearful the bold, or the poor the rich. To retain the rights of government, without the powers from whence thoſe rights were originally derived, is the greateſt of crimes againſt ſociety; and which, ſociety and its divine guardian never fail to puniſh, according to the degree of the offence, that is, according to the inconveniencies and dangers to which ſociety is expoſed by ſuch ineffectual pretenſions.

Such are the laws which will ever ſuperſede all laws of human contrivance, and which being broken, by any ruler or rulers, the original compact is diſſolved, and no farther allegiance due. But what have thoſe laws of nature to do with the preſent controverſy

controverſy between the Britiſh govern-ment and its ſubjects of America? *The original compact*, it is ſaid, *has been broken.* When? By what means? Whoſe aſs has been ſtolen, whoſe wife has been raviſhed, whoſe conſcience has been con-ſtrained, by act of parliament? What pro-tection has been required from the legiſlature of Great Britain, that has not been willingly and manfully afforded? None. *We are taxed*, ſay the Americans, *contrary to right, for we are taxed without our own conſent.* Were they fairly to tell us upon what they found this pretended right, of laying burthens upon themſelves according to their own pleaſure and conveniency, it would be no hard taſk to combat it; but when we have got faſt hold of what we ſuppoſe the main argument, and are ready to ſqueeze it to death, it immediately ſlips like an eel through our fingers. *It is*, at one time, *by the law of nature.* When you aſk them to quote the page, or ſhew them ſome law of nature which ſpeaks the very reverſe, *it is* then *by*

*the*

*the conſtitution of Britain.* There when they are ſhewn that the ſolemn declarations of the legiſlature, and the conſtant practice, wherever it was neceſſary, ſpeak againſt them, they declare themſelves againſt all thoſe ſolemn declarations and practices, telling us, *That what has been done, if wrongfully done, confers no right to repeat it*, and back again they go to *their* laws of nature, or to the flimſy hypotheſis of ſome ſcholaſtic writer to new-model nature and the conſtitution of England, ſo as to make them more favourable to their pretenſions. For my part I know of no human authority to which I dare appeal, except to acts of Parliament; and, if they could be admitted, there would be ſoon an end of the controverſy; as the preſent parliament has as unqueſtionable an authority as any of the former parliaments; and the Stamp Act itſelf of as much authority as any former act which could be quoted to authoriſe it.

It being therefore, uſeleſs to deduce any argument

argument from an authority, the diſclaiming of which furniſhes the very queſtion in debate, I will return once more to my general plan, and enquire what is the true nature of levying taxes, and whether it differs, as has been often aſſerted by the Americans, from the other rights of legiſlation.

To take up this in a plain, eaſy, and regular way, let us return to the point from whence we ſet out. In a ſtate conſiſting of one individual ruler, and one individual ſubject, like that of ROBINSON CRUSOE and his man FRIDAY, the ſervice of one of theſe in return for the protection of the other, can be only perſonal; and the mode, as well as the quantity, of this ſervice muſt be left, as has been ſhewn before, to the diſcretion of the ſuperior; whoſe will muſt ſerve for all the different ſorts of law, either with regard to public or private rights, which the nature of that ſimple ſociety can poſſibly admit. But, in a numerous ſociety, it would be extremely inconvenient, not to ſay abſurd, that all the ſubjects ſhould be perſonally employed in the public ſervice; as

ſuch

ſuch employment muſt neceſſarily hinder them from providing for their own ſupport. Nor is ſuch a generality of perſonal ſervice any more needful than it is poſſible; as a very few of a numerous community are ſufficient to do all that is required for the defence and protection of the whole. But as all are equally liable, and the letting the whole labour fall upon a few, would be unjuſt and ruinous, it became neceſſary that each man in the community ſhould contribute a certain portion of the product of his private induſtry, for the maintenance of thoſe, who being occupied in fulfilling the general obligation, of ſerving or aſſiſting the protecting power, have not ſufficient leiſure to provide ſubſiſtance for themſelves. In ſhort, a TAX, in whatever mode it may appear, is but another word for SERVICE; and as that enters eſſentially into the very Being of government; whatever concerns the appointing, regulating, or rendering it effectual, becomes the moſt important part of legiſlation; and which, from the nature

of

of things, no inferior part of adminiſtration, much leſs the ſubjects, have the leaſt right to meddle with, except under the ſupreme authority. Were the ſupreme authority to reſign this power of the purſe into the hands of any other part of the ſociety, ſuch a reſignation would amount to an abdication of the government; and that part which became inveſted with the power of levying money, would be, *ipſo facto*, ſupreme. Theſe I give as fundamental principles of government, and do not deſire them to be admitted if they are not found to be in fact univerſally true. Point me out but one ſingle inſtance of a ſtate where a right was acknowledged in any, but the ſupreme power, of impoſing or with-holding taxes, and I ſhall immediately give up all that is contained in theſe reaſonings as falſe; they being entirely grounded upon a principle that does not admit of ſuch a poſſibility.

What then becomes of the notion, *That people ought not to be taxed but by their own conſent?*

*conſent?* I cannot tell; let thoſe look to the propoſition who advance it. I can only ſay that any ſet of people who are maſters of their own purſes, are maſters of their own ſervices, they are their own maſters, and ſubject to no body. If ever ſuch people had engaged themſelves in a compact of ſervice and protection, ſuch compact ſubſiſts for them no longer; they are perfectly independent, and any verbal acknowledgement of ſuperiority from them, after the *actual* acknowledgement is thus withdrawn, is no better than a piece of mockery. In ſhort, from thoſe who are really ſubjects ſuch conſent never was nor ever can be aſked. It will be ſaid *that the people of England conſent to their own taxation by their repreſentatives.* But this is nothing but a vulgar miſapprehenſion; the conſent of the people being no more required in England, upon ſuch occaſions, than it is in Turkey: and, indeed, if the principles of Government which I have laid down as general, are not equally true, and equally, *in fact*, admitted in

England

England and in Turkey, I ſhall no longer acknowledge them as principles. The ſole difference is that the ſupreme power happens to be differently conſtituted in thoſe two different ſtates, but when conſtituted, it equally aſſumes the right of impoſing taxes upon the people without their conſent. The people of England, or certain claſſes of them, have a right by election to conſtitute the third part of the legiſlative power for ſeven years; and it would make no difference in my argument if they conſtituted the whole for that term: but from the day of election, the people have no more ſhare in the legiſlation than thoſe of Turkey, and the ſtrings of their purſes are equally reſigned into the hands of their rulers. It may be perhaps ſaid, that if theſe members of parliament abuſe the confidence that is put in them, the people may at the end of ſeven years elect others in their ſtead. But this does not in the leaſt affect the preſent queſtion, which is not what is to happen after

the ſupreme legiſlative power is diſſolved; but what happens while it actually ſubſiſts. When a parliament is diſſolved, the people muſt proceed to the election either of the ſame or other Members; but whoever they elect will have the ſame unlimited power with their predeceſſors; and, although the perſons may be changed, the conſtitution of the government and the rights of the governors and the governed are perpetual, and are no more changed along with the Members of parliament, than they are in Turkey, when one Sultan, in that military democracy, is depoſed by his conſtituents the Janizaries, and another ſet up in his place. So far from the conſent or opinion of the people of England being more particularly neceſſary in this ſpecies of legiſlation than in any other, that all who know any thing of the practice of parliament, muſt know that it is a conſtant rule not to admit any petition, however humbly conceived, againſt any bill in deliberation for levying money, while this

priviledge

priviledge is allowed upon almoſt every other occaſion *.

In order to ſhew in its utmoſt extent, and unembarraſſed by any accidental circumſtances, the frivolouſneſs of the vulgar notion that the people of England keep the poſſeſſion of their own purſes, and give their conſent to their own taxation by their repreſentatives; I have ſuppoſed that every ditcher in the country, and every chimney-ſweeper in town gives his vote for electing Members of the Houſe of Commons, Peers of the realm, and if you pleaſe, the King likewiſe, for the ſpace of ſeven years; and have ſhewn, that with all theſe ſuppoſitions,

* There are inſtances of petitions having been received, as in the caſe of the exciſe upon wine and tobacco, in 1733, and of the exciſe upon cyder, in 1763, which may be urged in contradiction to what is here aſſerted. But thoſe petitions were not admitted as againſt the taxes themſelves, but only as againſt the mode of collecting them.

they would be taxed without their own consent, as much as if they lived under the Great Turk. After this it may ſeem ſuperfluous and foreign to my purpoſe, to ſhew that this ſuppoſed *repreſentation*, even with regard to the Houſe of Commons, is very far from being true, and that the word *Virtual*, which has been clapped in, to ſupply this defect, has no meaning at all; but as this ſubject has furniſhed, and may ſtill furniſh matter for diſpute, I cannot let it paſs without ſome animadverſion.

The firſt parliaments in England after the Norman conqueſt, were compoſed of theſe only who held lands *in capite* under the crown. They were few in number; being according to Dooms-day book not above 700, and might have all been aſſembled together in one place without any inconveniency.

By the time of King JOHN, the number of freeholders or tenants *in capite* was greatly increaſed, but that principle of their all having

having a right to be ſummoned to parliament, which we ſuppoſe to have been the original conſtitution, ſtill ſubſiſted; for thus we read in KING JOHN's Magna Carta: *and for holding the common Council of the kingdom for aſſeſſing aids or for impoſing ſcutages, we will cauſe to be ſummoned Archbiſhops, Biſhops, Abbots, Earls, and greater Barons, ſeparately, by our letters; and we will cauſe to be ſummoned, in general, by our ſheriffs and bailiffs, all thoſe who hold of us* in capite. This is the full account of the members of parliament according to Magna Carta, which, as it is underſtood to be a declaration of the common law of the land, and of the liberties of Engliſhmen in the beſt times, free from any abuſes that might have been before introduced, we may rely upon this deſcription as the genuine conſtitution of parliament at the time. But here is no *repreſentation:* every man who came to parliament, either by particular or general ſummons, came of his own right, as the peers do to this day; nor could the word or idea

of a *representative* be known amongſt them.

There is reaſon to believe that the clauſe for calling by general ſummons the ſmaller barons or freeholders to parliament was inſerted into Magna Carta by the particular will of King JOHN *, in order to break and counteract the power of the greater Barons, who were at that time very troubleſome to the crown. Accordingly, in the Magna Carta of the firſt year of his ſon HENRY the III, the whole clauſe concerning the conſtitution of parliament is omitted, and inſtead of it is inſerted a ſort of notice *that this matter was by the advice of his Biſhops and great Lords reſerved for more mature conſideration.* But although there was a Magna Carta granted in the 16th, and another

* See the preliminary articles preſented by the Barons to King John, compared with his Magna Carta, in the appendix to an *Eſſay on the conſtitution of England*, ſecond edition, printed for T. Becket and P. A. de Hondt, London, 1766.

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in the 18th of this King's reign; there is no farther mention made of it. Whether it was that the great Barons prevailed too much during this unhappy reign, to permit the ſmaller to take any ſhare with them in the legiſlative power, or whether their great number made their aſſembling impracticable, is what our ancient hiſtorians do not ſufficiently inform us. But towards the end of this reign the ſmaller freeholders were ordered to chuſe and ſend commiſſioners from each ſhire, to repreſent in parliament all thoſe who were abſent.

Here was a change in the form of parliament, but none in the principle. The knights commiſſioners repreſented the freeholders only, who, whether preſent or abſent, held the ſame place in the ſtate as under King JOHN's Magna Carta.

This method, however, of election, in order to carry on with more conveniency, what was in itſelf ancient and conſtitutional, gave hint for producing what was of a newer kind. There was one great acknowledged

and conſtitutional power in the ancient kings of England, without which it would have been impoſſible to have preſerved the government from being entirely ariſtocratical, and that was, the power of chuſing who ſhould come to parliament and who ſhould not; or, at leaſt, of adding what new members of parliament they thought fit. Almoſt at the ſame time that it was found uſeful to ſummon the ſmaller freeholders to appear by their commiſſioners; the King, by his letters patent, erected a few, we ſhall ſay, for diſtinctneſs, one borough, of thoſe which were of his own domain, and particularly dependent upon him, into a body corporate; and gave it, amongſt other priviledges, that of chuſing ſomething equivalent to a baron to ſit in parliament. But this elected baron repreſented nothing but his own townſmen; and if he aſſiſted in taking the money out of the purſes of other towns, which he certainly did, he muſt have done it by ſome other right than that of repreſenting them. And although this one baron was multiplied in

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the courſe of time to a great number, yet with regard to thoſe who do not chuſe them, they all ſtand upon the ſame footing with the firſt. But ſome of thoſe barons are of no more ancient ſtanding than the reign of King CHARLES the II. and ſome of the moſt opulent towns of England ſend none to this day; yet it never came into any bodies head to fancy that the money levied from them for the publick ſervice, was illegally and unconſtitutionally levied.

But to return to my freeholders. Were I to ſtop my hiſtory of Repreſentation here, my reader might poſſibly go off with an opinion, that it was a fundamental principle of the Engliſh conſtitution, that every freeholder ſhould ſit in parliament, either in perſon, or in the perſon of one whom he had concurred in chuſing. But this was not the ancient idea of this matter. The freeholders ſate in parliament as the POWERS OF THE STATE, and when they ceaſed to be powerful, they ceaſed to be qualified. This is manifeſt in the act of parliament of the 8th

Henry

Henry the VI. for reſtricting the number of voting freeholders to thoſe who were poſſeſſed of 40 *ſhillings a-year at the leaſt*; the preamble of which runs thus: *Whereas the election of knights of the ſhires to come to parliament of our Lord the King, in many counties of the realm of England, have now, of late, been made by very great outrageous and exceſſive number of people dwelling within the ſame counties of the realm of England, of the which moſt part was of people of ſmall ſubſtance, and of no value, whereof every of them pretended a voice equivalent, as to ſuch elections to be made, with the moſt worthy Knights and Eſquires dwelling within the ſame counties; whereby manſlaughter, riots, batteries, and diviſions among the gentlemen and other people of the ſame counties ſhall very likely riſe and be, unleſs convenient and due remedy be provided in this behalf* *.

This

* By ſeveral circumſtances to be learnt from ancient records, it appears that ſending or being ſent to parliament was reckoned, if not a burthen, at leaſt a priviledge

This act was very wisely intended to give a stability to the constitution, which, by a constant

priviledge very little worth the contesting with those who thought fit to claim it. For this reason the law was for some ages very loose and uncertain, as well with regard to the number of the representatives, as with regard to the number and quality of their electors, while a variety of other privileges, which now appear to us of much less consequence, were most jealously guarded by express statutes. There is no room to doubt but that the constituents of the Great Council or parliament were originally no other than the king's immediate vassals; but after the smaller sort of them came to be represented by a few persons elected at meetings called by the sheriff in the county town, others who held their lands, by free tenures, under other Lords, and who had been used to attend the county-courts upon other occasions, were, by degrees, under the common title of freeholders, jumbled amongst the King's tenants in the election of the county member. Nor would probably this growing abuse have been attended to, even in the reign of Henry the VI. as parliamenteering was still an unprofitable trade, had it not been productive of those dangerous tumults related in the above preamble.

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conſtant increaſe of the conſtituents, was gradually changing; but unhappily by ſuppoſing a ſtability in the value of money, it produced an effect the very reverſe of what was intended. By the moſt moderate calculation, a piece of land which was then worth two pounds *per annum*, would be now worth twenty, ſo that there is a poſſibility

In Scotland, where the laws and conſtitution, formed anciently upon the model of thoſe of England, have not undergone the ſame changes, the King's tenants *in capite* are alone capable of electing, or being elected, Knights of the ſhires. They, though few in number, are the only perſons repreſented in parliament; and by a peculiar attention of the law of Scotland to their qualifications, they are, in great meaſure, the ſame claſs of men, who, by the ancient conſtitutions both of England and Scotland, were alone entitled to be conſulted in any act of legiſlation. Eſtimating the preſent rents of Scotland at only the double of their ancient valuation in the Exchequer rolls; one elector of a county member muſt hold, by a royal charter, as great a quantity of land as would qualify thirty-three voters in England, upon a like occaſion.

of there being now ten legal voters for a knight of the ſhire for one that there was in the time of Henry the VI. But although theſe are legal voters by the letter of the law, they are not ſo by the ſpirit of the ancient conſtitution, which plainly intended to lop off nine out of ten of them; and conſequently no argument can be drawn from their preſent multiplicity, with regard to the neceſſity of all freeholders being repreſented.

I paſs over the labourers, the farmers, and even the copy-holders of land, who have no vote in chuſing thoſe who impoſe taxes upon them; I paſs over the many inhabitants, even of thoſe towns which ſend members, who have no vote in chuſing thoſe members, or in chuſing thoſe who chuſe them, and haſten to examine what is called a *virtual repreſentation*, by which all thoſe notorious deficiencies in the real one are to be patched up.

It is ſaid that all the lands of England, being divided amongſt the freeholders, they become by that means the *virtual repreſentatives* of all thoſe who live upon theſe lands; and by that *virtual repreſentation*, have a right of giving laws to the whole, and to which the whole, by a ſort of tacit or *virtual compact*, give their conſent.

If this is a principle of government, it will be true in every application of it, and if it is not found true in every application, I would adviſe thoſe who uſe it to lay it aſide as a principle, and to look out for ſomething elſe that will better bear this neceſſary teſt.

The freeholders, as ordered to be ſummoned to parliament by King JOHN's Magna Carta, were, it ſeems, the *virtual repreſentatives* of every man in the kingdom. We do not know preciſely what their number was, and the knowledge is certainly not at all neceſſary for verifying the principle of *virtual repreſentation*, which will be equally true, whether their number be great or ſmall.

They were poſſibly at that time two or three thouſand. Suppoſe they had been only ſeven hundred, as in the 20th year of the Conqueror, or ſuppoſe them ſeventy, or if peradventure they had been only ſeven, then theſe ſeven muſt be acknowledged to be the *virtual repreſentatives* of the whole. What ſignifies ſo much higling: let us come to the matter at once, and ſuppoſe all the lands held by one freeholder; as is actually the caſe in Turkey. Then is the GRAND SIGNOR *virtual repreſentative* of all the people of Turkey, their univerſal knight of the ſhire, and, in a moſt parliamentary manner, levies what taxes he pleaſes upon them, *by their own conſent.*

I would not here be thought to mean any reflection upon the GRAND SIGNOR or his rights; I am not, thank God, ſo great a bigot to the form of government under which I was born and bred, as to look upon any other form with contempt or abhorrence. Far from it. While that great prince exerciſes his rights for the order, peace, and happineſs of his people, he is the good and

faithful

faithful ſervant of the truly ſovereign power, and merits the reſpect of all men, whether they receive any benefit from his ſuperintendency or not. What I find ridiculous in this proceſs, and what would never enter into the head of the moſt ſenſeleſs Muſſulman, is, that he ſhould enjoy theſe extended rights over his people by the unintelligible and uſeleſs fiction of being their *virtual repreſentative*.

I have taken a great deal of pains to ſhew that the notion of people conſenting to their own taxation is contrary to the nature of government, and unſupported by any fact. I have been at pains to ſhew that the notion of the legiſlative power acting by virtue of repreſentation, is no principle in the Britiſh conſtitution; and I have finiſhed by ſhewing that the words *virtual repreſentation*, either mean nothing at all, or mean a great deal more than thoſe who uſe them would be willing to admit: and yet, after all my pains,

my American antagoniſts are as much out of my reach as before.

The truth is, that having heard them ſo often repeat that they were Engliſhmen, entitled to all the rights of Engliſhmen, ſo as to be taxed, like Engliſhmen, *by their own conſent:* I was miſled to believe that they wanted to be repreſented, like other Engliſhmen, in the Britiſh parliament. But upon a cloſer examination, I find they have no ſuch meaning. *Each American colony*, ſay they, *has a parliament of its own, though we have hitherto called them only aſſemblies: each has its houſe of Commons choſen by the people, and which has alone the right of raiſing money from them; each has its council or houſe of peers; and each has its King, to wit, his Majeſty King* GEORGE *the* III. *who, as he cannot preſide in ſo many parliaments at once, is repreſented in each by his Excellency the Governor. We did not*, ſay they, *ſail the wide Atlantic Ocean, to leave the free conſtitution of England behind us; no, we carried it along with us, and*——

There cannot be imagined a queſtion more important for the ſafety and happineſs of mankind in general, than that which is the ſubject of theſe ſheets, and yet there is perhaps no queſtion, the ſolution of which requires leſs learning and ſubtlety, nor any, which is more within the compaſs of a plain and ſound underſtanding. The principles upon which it is to be diſcuſſed are univerſal, comprehenſive, and applicable to every poſſible caſe; and every oppoſition to them is immediately reducible to a falſity in point of fact, or an abſurdity in point of reaſoning. If there is found any difficulty in applying them to the preſent caſe of *America*, it ariſes only from this, that the Americans are either not able or not willing to tell us with any degree of firmneſs and conſiſtency, what they are, and what they would be at. One moment they deſire no more than what belongs to every Britiſh ſubject; the next they refuſe to be taxed like other Britiſh ſubjects, and each colony requires a parliament of its own. At one time they

acknowledge

acknowledge their ſubjection to Great Britain; and almoſt in the ſame breath, endeavour to prove that each petty colony has a right to be her equal. One moment they bar all conſiderations of force from being admitted in deciding the rights of ſovereigns and ſubjects, and the next endeavour to eſtabliſh what they call their rights by a variety of outrages, ſuch as were never imputed to any eſtabliſhed government of the moſt arbitrary kind. At one time an American claims the rights of an Engliſhman; if theſe are not ſufficient, he drops them, and claims the rights of an Iriſhman; and, when thoſe do not fully anſwer his purpoſe, he expects to be put upon the footing of a Hanoverian.

To ſupport, by turns, this variety of contradictory pretenſions, a variety of principles no leſs contradictory, are by turns produced. Firſt they try to found the extraordinary privileges they claim upon *birth-right*; but when they are ſhewn that by *birth* they had no *right* to defert their native country,

they drop the birth-right, and bring forth their *charters*. When they are ſhewn that theſe charters are no other than what are given to every common corporation and trading company, they then ceaſe to be charters, and become all at once *compacts*. At one time it is the love of liberty that made them take ſhelter in thoſe diſtant climes, from the *tyranny of prerogative*; yet when we aſk them with whom they made thoſe *compacts* juſt mentioned; they tell us, with a King JAMES or a King CHARLES. How muſt the great ſhades of ALGERNOON SIDNEY and JOHN LOCK exclaim, how muſt they rage in their independent manſions, to hear that there ſhould be *Engliſhmen* who pretend to read and admire their writings, and yet underſtand them ſo little as to own that they had entered into a *compact*, or as theſe patriots would call it, a *conſpiracy*, with a King, in order to obtain a diſpenſation from the laws of the land, and the authority of parliament!

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The aſſertion that theſe charters are not charters, but *Pacta conventa*, is brim-full of abſurdity. For, paſſing over the manifeſt illegality already hinted, of one part of the ſovereign power diſpenſing with the authority of the whole; the whole ſovereign power could not, by the nature of things, enter into any indefeaſible compact of that ſort. Nor is this more to be conſidered as matter of reaſoning than as matter of language. *Sovereignty* admits of no degrees, it is always *ſupreme*, and to level it, is, in effect, to deſtroy it; I mean with regard to thoſe who ſuffer it to be levelled: for, as to ſovereignty itſelf, it is unſuſceptible of deſtruction; and, like the ſun, only ſets in one place, that it may riſe, with full ſplendour, in another. *Pacta conventa* cannot, with any propriety, ſubſiſt, but amongſt parties independent of one another; nor are they then of much ſignificance, unleſs there be, at the ſame time, ſome deſpotick power provided, for explaining any difficulty that might ariſe concerning the ſeveral conditions

of the agreement, and for enforcing the obſervance of them. Without ſuch an effectual arbitrator, a covenant between two independent powers, is no other than a Treaty, which is no longer to be relied on than while it ſuits with the conveniency of both the parties to obſerve it. In caſe of any miſunderſtanding, there lies no appeal but to the God of battles, whoſe deciſion only ſuſpends the ſuit till a future term, when the party that was caſt may find the means of entering a new action.

But enough of theſe abſtractions. One good example of a real covenant between two ſovereign ſtates will give more light into the nature of *Pacta conventa* in general, and may perhaps contribute more to elucidate the particular ſubject of this paper, than a thouſand pages of general reaſoning and deſcription.

Since the creation of the world there never was a more voluntary, more deliberate, more legal, and more ſolemn paction than

than that which was made by the union of the two ancient and independent kingdoms of England and Scotland; nor any whoſe articles had a better title to be religiouſly obſerved. But immutability in human affairs is contrary to the nature of them, and every attempt to produce it, is an attempt to counteract the providence of God by the wiſdom of man.

In this ſolemn paction there was one article abſolutely neceſſary for binding and cementing the whole, according to the general intention of the covenanting parties; but which at the ſame time threw every other particular article looſe. I mean that article which ſettled the conſtitution of the Britiſh parliament, and gave it as abſolute and ſupreme an authority, to decide in all the concerns of the now united kingdom, as the ſeveral parliaments had in thoſe kingdoms when ſeparate. To this uncontroulable power was entruſted, amongſt other things, the guardianſhip of the other articles of the union, with the ſole right of explaining

their meaning and intention, in caſe any doubt ſhould ariſe concerning them; without reſerving to any man, or any number of men, the leaſt right to rejudge their judgments. To actuate this great body, and to procure a perfect and laſting union, ſuch a directing ſoul was abſolutely neceſſary; and that ſuch has been the idea always conceived of it, by the wiſdom of the united nation, will appear by the following inſtance.

In the year 1725, an act paſſed in the Britiſh parliament for extending the malt-tax to Scotland, where a malt-tax was as new as a ſtamp-tax was laſt year in America. This innovation had been objected to on a former occaſion *, by many of the Scottiſh peers and members of parliament, ſupported by others, who, for the ſake of oppoſing the adminiſtration, pretended to take a ſhare in their grievances, and joined with them in declaring this tax a breach of the articles

* In the year 1713.

of

of the Union, which, they ſaid, parliament had no right to infringe, it being upon thoſe *Pacta conventa* that the authority of the Britiſh parliament itſelf was eſtabliſhed; and that they being broken, the *original compact* was diſſolved. In anſwer to this it had been ſaid; that nothing was meant againſt the Union or its articles, but that it was apprehended the tax propoſed was entirely within the ſpirit and intention of thoſe articles; and whether it was or was not, could only be determined by the majority of both houſes with his Majeſty's concurrence. It was accordingly voted a legal as well as expedient mode of taxation.

But many of the people in Scotland judging in this matter very differently from their rulers; declared the tax to be illegal, and ſwore they never would conſent to the payment of it; never conſidering that their pretenſions to infallibility were no better founded than thoſe of the Britiſh parliament, and that their pretenſions to authority were much worſe. Nor did they content themſelves with

with this verbal denunciation, but when the officers attempted to levy the tax, they put them to flight with blows and inſulting language; at the ſame time pulling down the houſes, deſtroying the furniture, and threatning the lives of ſuch of their countrymen as had concurred in paſſing the Act. What would our American friends have adviſed government to do in this caſe? To repeal the Act, becauſe the Scotch mob pronounced it illegal; or to try by pamphlets, or by repeated letters in the Daily Gazetteer, to convince them they were in the wrong? No, this folly and outrage was treated in a manner much more conſiſtent with the nature and dignity of parliament, which requires from ſubjects obedience, and not reaſoning. There were ſent to Glaſgow, where the pretended ſtandard of liberty was ſet up, ſome companies of foot, and ſome troops of dragoons, with a ſenſible and ſpirited officer at their head, who, *pulveris exigui jactu*, ſoon brought thoſe miſtaken reaſoners to a better underſtanding concerning the

rights of the ſupreme legiſlature, than all the eloquence of CICERO or MANSFIELD, without ſuch an accompaniment, could have effected.

This the gentlemen of America will ſay is *club law*. I will not diſpute it. They may call it by what name they pleaſe, but there never was a queſtion of ſupremacy decided by any other ſort of law. Thoſe who try to ſeparate law from force, attempt impiouſly to put thoſe aſunder whom God has been pleaſed to join; and as the reaſonings of ſuch men are never correſpondent to any facts that have gone before; ſo are their own actions never correſpondent to their reaſonings. Is it to argument or club law, to which the *reſpectable populace* of Boſton and Rhode-iſland truſt the juſtice of their cauſe? Is it argument to demoliſh the houſes or deſtroy the goods of thoſe who differ from them in opinion; or is it argument to carry them to *the tree of liberty*, and there oblige them to take God to witneſs to ſentiments not their own, for fear of being immediately

immediately put to death? Theſe are outrages which none but the moſt ignorant and diſtempered imaginations could ever dread from any kind of eſtabliſhed government, and yet are committed by thoſe, who, in the very height of their riots, complain of cruel and arbitrary exertions of power in the mild government of Great Britain, under the moſt juſt and humane of Kings.

In the courſe of this enquiry I have often uſed the word *Colony*, in ſpeaking of thoſe parts of the Britiſh empire which lie on the other ſide of the Atlantick ocean, and have done ſo in compliance with the preſent mode of America, upon a ſuppoſition that the eſſence of things being known, the terms to expreſs them become matters of indifference. But this, I acknowledge, is a very ill grounded ſuppoſition, and to proceed upon it extremely dangerous: for nothing is more ſerviceable to the cauſe of falſehood than the admiſſion of improper terms, which, though at firſt admitted only as counters, having

received

received a currency, will be afterwards tendered to us as ſterling coin. By virtue of this heathen word *colony*, the example of Roman colonies has been urged in favour of American claims; and when theſe have not been found perfectly favourable to independency, recourſe has been had to Greek colonies, which, indeed, had little other relation to their mother-country, than a ſort of couſinſhip, ſuch as the Jews, in the time of the Maccabees, claimed with the Lacedemonians; claimed when they ſtood in need of their aſſiſtance, and perhaps was never mentioned by them either before or ſince. But all this parade of Greek and Roman learning comes to nothing, when we are informed that the diſtricts in queſtion are not properly *colonies* either in word or in deed. Their moſt ancient Engliſh and legal name is *plantations*, and they have always been, in fact, *provinces*, governed by a lieutenant or governor, ſent by the King of Great Britain, and recalled by him at pleaſure. Nor are they entitled to participate of thoſe many

advantages which they enjoy as Engliſhmen by virtue of their Britiſh deſcent, but from a much more ſolid and rational principle, their being faithful ſubjects of Great Britain; ſince the ſame advantages are by law expreſsly communicated to ſuch of them as were born in Weſtphalia and the Palatinate, and who never ſet foot upon Britiſh ground till they meet with it on the other ſide of the Atlantic. In theſe and in many other reſpects they are widely different from either Greek or Roman colonies; ſo that whoever is really acquainted with the affairs of thoſe ancient nations, muſt without difficulty perceive, that the Americans have preferred the word *Colony*, for the ſake of aſſuming along with it a degree of independency, which from the words *plantation* or *province*, could not be ſo eaſily derived.

The plain truth is, that thoſe countries, let them be called *plantations*, *ſettlements*, *colonies*, or by what other name they will, are, from their nature and ſituation, only ſubordinate parts in the empire of Britain,

and

and ſuch they would neceſſarily continue, though perhaps in a much lower degree, under ſome other powerful European ſtate, in caſe their more ſafe and honourable tie, with what they are ſtill pleaſed to call, their *Mother Country*, ſhould happen to be diſſolved.

I ſhall therefore conclude with ſaying, that the ſeparation of Great Britain from her American appertinencies would be deſtructive of the proſperity and liberty of both. If ſo, it ſeems to follow that till ſuch time as New England is ſtrong enough to protect Old England, and the ſeat of the Britiſh empire is transferred from London to Boſton, there is an abſolute neceſſity that the right of giving law to America, ſhould continue to be veſted in Great Britain. That it is the intereſt of Great Britain to protect and cheriſh her American provinces inſtead of oppreſſing them, is an undeniable truth; and it is, perhaps, no leſs true, that ſome farther attention, and ſome farther means of

communication, are ſtill wanting to that deſirable end: but let every true friend to Britain and to all her connexions ſtand forth in defence of her great legiſlative uncontroulable power, without which no union, and of courſe no ſafety, can be expected.

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Thoughts on the origin and nature of government

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